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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 AARON WILMOT,

11 Plaintiff,

12 v.

13 TRANSWORLD SYSTEMS, INC.,

14 Defendant.

CASE NO. C24-0181JLR

ORDER

15 **I. INTRODUCTION**

16 Before the court is Defendant Transworld Systems, Inc.’s (“TSI”) motion to  
17 dismiss Plaintiff Aaron Wilmot’s complaint. (Mot. (Dkt. # 17); Reply (Dkt. # 20); *see*  
18 Compl. (Dkt. # 5).) Mr. Wilmot, who is proceeding *pro se* and *in forma pauperis*,  
19 opposes the motion. (Resp. (Dkt. # 19).) The court has reviewed the motion, the parties’

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1 submissions, the relevant portions of the record, and the governing law. Being fully  
2 advised,<sup>1</sup> the court GRANTS TSI's motion to dismiss.

## 3 II. BACKGROUND

4 The following allegations in Mr. Wilmot's complaint are taken as true for the  
5 purpose of evaluating TSI's motion to dismiss.

6 On February 6, 2024, Mr. Wilmot reviewed his LexisNexis consumer report.  
7 (Compl. ¶ 8.) He observed that TSI, "a 'debt collector' as defined by 15 U.S.C.  
8 § 1692a(6)," made an "unauthorized" inquiry against his report on August 20, 2023, even  
9 though he had never initiated a consumer credit transaction with TSI, had an account with  
10 TSI, or entered into a contract with TSI. (*Id.* ¶¶ 6, 9-12.) Mr. Wilmot also had never  
11 given TSI consent to access his LexisNexis consumer report. (*Id.* ¶ 13.) Thus, according  
12 to Mr. Wilmot, TSI's inquiry lacked a "permissible purpose" within the meaning of the  
13 Fair Credit Reporting Act ("FCRA"). (*Id.* ¶¶ 12, 29.)

14 Mr. Wilmot asserts that TSI's inquiry against his LexisNexis report has caused  
15 him to "suffer[] fear, anger and frustration over an invasion of his privacy." (*Id.* ¶ 19.)  
16 This has led to "feeling[s] of vulnerability, worry and anxiety which lead to  
17 sleeplessness, nervousness and headaches" and has caused him to "incur[] a loss of time  
18 due to research and learning necessitated by [TSI's] invasion of privacy." (*Id.* ¶ 20.) He  
19 brings claims against TSI for violations of the federal FCRA, 15 U.S.C. § 1681b(f); the  
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21 <sup>1</sup> Neither party requested oral argument (*see* Mot. at 1; Resp. at 1) and the court finds that  
22 oral argument would not be helpful to its disposition of the motion, *see* Local Rules W.D. Wash.  
LCR 7(b)(4).

1 Washington Fair Credit Reporting Act (“WFCRA”), RCW 19.192.030; and the  
 2 Washington Consumer Protection Act (“WCPA”), ch. 19.86 RCW. (Compl. ¶¶ 27-37.)

### 3 **III. ANALYSIS**

4 Below, the court sets forth the standard of review and then evaluates TSI’s motion  
 5 to dismiss.

#### 6 **A. Standard of Review**

7 Federal Rule of Civil Procedure 12(b)(6) provides for dismissal when a complaint  
 8 “fail[s] to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6); *see*  
 9 *also* Fed. R. Civ. P. 8(a)(2) (requiring the plaintiff to provide “a short and plain statement  
 10 of the claim showing that the pleader is entitled to relief”). A plaintiff’s complaint must  
 11 “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is  
 12 plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*  
 13 *Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Although “detailed factual allegations” are  
 14 not required, the plaintiff must include more than “an unadorned, the-defendant-  
 15 unlawfully-harmed me accusation.” *Id.* (citing *Twombly*, 550 U.S. at 555) (requiring the  
 16 plaintiff to “plead[] factual content that allows the court to draw the reasonable inference  
 17 that the defendant is liable for the misconduct alleged”). Furthermore, the court need not  
 18 accept as true legal conclusions, “formulaic recitation[s] of the legal elements of a cause  
 19 of action,” *Chavez v. United States*, 683 F.3d 1102, 1008 (9th Cir. 2012), or “allegations  
 20 that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences,”  
 21 *Spewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001). Because Mr.  
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1 Wilmot is a *pro se* Plaintiff, the court must construe his pleadings liberally. *See*  
 2 *McGuckin v. Smith*, 974 F.2d 1050, 1055 (9th Cir. 1992).

3 **B. Motion to Dismiss**

4 TSI asserts that Mr. Wilmot’s complaint must be dismissed in its entirety for four  
 5 reasons. First, it argues that Mr. Wilmot’s FCRA claim must be dismissed because TSI is  
 6 a debt collector and debt collection is a “permissible purpose” for accessing a consumer’s  
 7 credit report under the FCRA. (Mot. at 4-6 (citing *Thomas v. U.S. Bank, N.A.*, 325 F.  
 8 App’x 592, 592-93 (9th Cir. 2009) (“[R]equesting a credit report with the intent to collect  
 9 on a debt is among the ‘permissible purposes’ listed in the FCRA.”); 15 U.S.C.  
 10 § 1681b(a)(3)(A)).) Second, TSI contends that Mr. Wilmot fails to state a claim because  
 11 he does not allege in any detail the facts supporting his FCRA claim and instead relies  
 12 only on “bare allegations.” (Mot. at 6); *see Pyle v. First Nat. Collection Bureau*, No.  
 13 1:12-cv-00288-AWI-SKO, 2012 WL 1413970, at \*4 (E.D. Cal. Apr. 23, 2012)  
 14 (“Plaintiff’s bare assertion that Defendant violated the FCRA, without providing a factual  
 15 basis for those assertions, does not sufficiently state a claim.”). Third, TSI argues that  
 16 Mr. Wilmot’s state-law claims are preempted by the FCRA. (Mot. at 6-8.) Finally, TSI  
 17 asserts that WFCRA applies only to conduct by a “consumer reporting agency” and thus  
 18 does not apply to TSI. (*Id.* at 8 (citing RCW 19.182.030).)

19 Mr. Wilmot does not respond substantively to any of these arguments. (*See*  
 20 *generally* Resp.) To the contrary, he “acknowledges settled law and affirms that [he is]  
 21 *not* challenging the Defendant’s rights to review a consumer’s report.” (Resp. ¶ 3; *see*  
 22 *also id.* ¶ 12 (acknowledging that “the FCRA does grant debt collectors the authority to

1 review individual consumer credit reports as part of the debt collection process”).)

2 Rather than challenge TSI’s right to access his report, Mr. Wilmot argues his case from a

3 public policy perspective. He states that he is “questioning the *criteria* under which the

4 Defendant should be permitted to access a consumer report.” (*Id.* ¶ 3; *see also id.* ¶¶ 10

5 (arguing that a “soft pull” of a consumer credit report is an “invasion of privacy” and

6 “must be addressed by the Courts and/or [the Consumer Financial Protection Bureau] to

7 prevent further erosion of the FCRA), 12 (arguing that a “debt collector should not have

8 unrestricted freedom to access a consumer credit report”).) He complains that TSI has

9 unfairly refused to identify the specific account for which it is acting as a debt collector

10 and instead “was on a fishing expedition” when it accessed his credit report. (*Id.* ¶ 13.)

11 He closes his opposition as follows:

12       The sheer volume of decisions in support of debt collectors’ unbridled access

13       to consumer reports doesn’t inherently validate their soundness. *More of the*

14       *same case law doesn’t necessarily make it better case law.* The legal system

15       has a moral obligation to regulate debt collectors, not give them free reign,

16       and periodically reassess existing case law with a focus on upholding

17       consumer rights.

18 (*Id.* ¶ 16.)

19       The court notes that it is not in a position to “reassess existing case law” because

20 Congress sets the FCRA’s “permissible purposes” for accessing a consumer credit report

21 and this court is bound to follow Ninth Circuit and Supreme Court precedent interpreting

22 that statute. Focusing on the case at hand, the court concludes that dismissal of this

matter is warranted because Mr. Wilmot (1) acknowledges that TSI, as a debt collector,

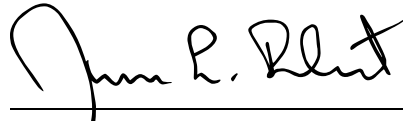
may lawfully obtain his consumer reports (*see* Mot. at 2) and (2) has “effectively

1 abandoned” his claims by failing to respond substantively to the arguments raised in  
2 TSI’s motion to dismiss. *Montgomery v. Specialized Loan Servicing, LLC*, 772 F. App’x  
3 476, 477 (9th Cir. 2019) (citing *Walsh v. Nev. Dep’t of Human Res.*, 471 F.3d 1033, 1037  
4 (9th Cir. 2006)); *see also Renato v. Beaulieu*, No. C20-0708RSM, 2022 WL 1607919, at  
5 \*11 (W.D. Wash. May 20, 2022) (accepting plaintiff’s failure to “substantively respond”  
6 to defendant’s legal arguments “as an admission that the motion has merit”); *El v. San*  
7 *Diego Unified Sch. Dist.*, No. 20-CV-00257-AJB-AGS, 2021 WL 3240298, at \*2 (S.D.  
8 Cal. June 29, 2021) (construing plaintiff’s failure to respond to the arguments in  
9 defendant’s motion to dismiss as a waiver and granting the motion to dismiss), *aff’d*, No.  
10 21-55805, 2022 WL 1714284 (9th Cir. May 27, 2022). Therefore, the court GRANTS  
11 TSI’s motion to dismiss.

#### 12 IV. CONCLUSION

13 For the foregoing reasons, the court GRANTS TSI’s motion to dismiss (Dkt. # 13)  
14 and DISMISSES this matter without prejudice.

15 Dated this 5th day of June, 2024.

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18 JAMES L. ROBART  
United States District Judge  
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